

**From:** Sweeney, Stephen  
**To:** Waye, Don  
**CC:** Henning, Alan  
**Sent:** 2/12/2015 11:38:20 AM  
**Subject:** RE: Attn Alan & Steve - [Oregon CZARA - Final (?) "Closing the Gaps" Document]

# Ex. 5 - Attorney Client

From the decision document:

. To develop the required additional management measures, the State could pursue several actions that would collectively address this issue, such as some of the following:

- Adopt harvest and road construction restrictions that apply to all high-risk landslide-prone areas with moderate-to-high potential to impact water quality and designated uses.
- Develop a scientifically rigorous process for identifying high-risk areas and unstable slopes based on field review by trained staff. The process could include the use of slope instability screening tools to identify high-risk landslide areas that take into account site-specific factors such as slope, geology and geography, and planned land management activities (e.g., roads development).
- Develop more robust voluntary programs to encourage and incentivize the use of forestry best management practices to protect high-risk landslide areas that have the potential to impact water quality and designated uses, such as employing no-harvest restrictions around high-risk areas and ensuring that roads are designed, constructed, and maintained in a manner that minimizes the risk of triggering slope failures. Widely available maps of high-risk landslide areas could improve water quality by informing foresters during harvest planning.
- Institute a monitoring program to track compliance with the FPA rules and voluntary guidance for high-risk landslide-prone areas and the effectiveness of the practices in reducing slope failures.

Establish an ongoing monitoring program that assesses the underlying causes and water quality impacts of landslides shortly after they occur and generates specific recommendations for future management. Integrate into the Total Maximum Daily Load (TMDL) development process procedures to identify high-risk landslide-prone areas and specific best management practices to protect those areas. For example, in the Mid-Coast Basin, ODEQ is currently developing a sediment TMDL to address water quality limited waters for bio-criteria, turbidity, and sediment. To support the development of the TMDL, the Oregon Department of Geology and Mineral Resources completed landslide inventory maps for two watersheds in the Mid-Coast Basin, finding hundreds of previously unidentified

[1] landslides. As part of the TMDL, ODEQ will complete a source assessment of the landslides in relationship to the water quality impairments. NOAA and EPA encourage the State to complete the TMDL and include specific practices that landowners are required to follow in order to reduce pollutants causing impairments addressed in the TMDL.

**From:** Waye, Don  
**Sent:** Thursday, February 12, 2015 10:26 AM  
**To:** Sweeney, Stephen  
**Cc:** Henning, Alan  
**Subject:** Attn Alan & Steve - [Oregon CZARA - Final (?) "Closing the Gaps" Document]

Steve,

I know we didn't get that specific in 1998. I doubt we got that specific in Dec. 2013 or in any other communication, either. I'm copying Alan to see if he knows. Lynda hall has made it clear that I need to pull my attention away from Oregon for what's left of this week and tend to other priorities. That is an aspirational goal we hope will become my new normal.

Don

**From:** Sweeney, Stephen  
**Sent:** Thursday, February 12, 2015 9:46 AM  
**To:** Waye, Don  
**Subject:** RE: Oregon CZARA - Final (?) "Closing the Gaps" Document

## Ex. 5 - Attorney Client

Thanks again,

Steve

**From:** Waye, Don  
**Sent:** Wednesday, February 11, 2015 6:17 PM  
**To:** Henning, Alan; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Wu, Jennifer; Carlin, Jayne; Byrne, Jennifer; Sweeney, Stephen; [jeffrey.lockwood@noaa.gov](mailto:jeffrey.lockwood@noaa.gov); [scott.hecht@noaa.gov](mailto:scott.hecht@noaa.gov); Leinenbach, Peter  
**Subject:** Oregon CZARA - Final (?) "Closing the Gaps" Document

All,

Attached in "track changes" glory and a (relatively) clean version (...since I felt the need to retain the substantive comments...) is my attempt to merge this 2<sup>nd</sup> round of edits/comments, including a fairly hefty set from first-time commenter Steve Sweeney. In my opinion, this is now ready to pass on to Christine, Joelle & Lynda. However, please take a look by noon PST/3 pm EST Thursday and see if you agree. It is also my opinion that our managers are likely to be very surprised at the extent of our edits. I think the best explanation for our managers is that the bulk of our edits work to bring this document in line with what we've already stated in our longer decision document. **Ex. 5 - Attorney Client**

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At this point, if there are any burning changes that folks feel must be made, please share with the group by noon/3 tomorrow. Also, I am passing the baton on to Jayne Carlin to put on any necessary finishing polish, as well as to distribute to the management team.

Thanks. It's been a distinct pleasure. J

Don Waye  
U.S. EPA - Nonpoint Source Control Branch  
Phone: 202-566-1170

**From:** Henning, Alan  
**Sent:** Tuesday, February 10, 2015 8:32 PM

**To:** Wayne, Don

**Cc:** [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Wu, Jennifer; Carlin, Jayne; Byrne, Jennifer; Sweeney, Stephen;  
[jeffrey.lockwood@noaa.gov](mailto:jeffrey.lockwood@noaa.gov); [scott.hecht@noaa.gov](mailto:scott.hecht@noaa.gov); Leinenbach, Peter

**Subject:** my comments on the merged "Gaps" document

Don,

Very well done in merging the documents. My comments are attached and highlighted in red. I do think we need to discuss concerns raised in the Herbicides section, but I'll save my thoughts for tomorrow. Again, thanks for the quick turnaround.

Alan

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[1]

Burns, W. J., Duplantis, S., Jones, C., English, J., 2012. LIDAR Data and Landslide Inventory Maps of the North Fork Siuslaw River and Big Elk Creek Watersheds, Lane, Lincoln and Benton Counties, Oregon. Open-File Report O-12-07, Oregon Department of Geology and Mineral Industries.